

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr302

**THIS MATTER** is before the Court upon motion of the defendant for review of detention. (Doc. No. 25). The defendant has also filed a letter pro se complaining about his counsel's performance, which the Court will treat as a motion for inquiry of counsel. (Doc. No. 26).

The defendant pled guilty to Counts Two, Three, and Four of the indictment on February 8, 2006, charging possession with intent to distribute cocaine, possession of a firearm in furtherance of a drug trafficking crime, and possession of a firearm by felon. (Doc. No. 22: Plea Agreement; Doc. No. 23: Acceptance and Entry of Guilty Plea). Thus, the defendant has been found guilty and is awaiting imposition of sentence for offenses described in subparagraph (A), (B), or (C) of subsection (f)(1) of 18 U.S.C. § 3142. Pursuant to § 3143(a)(2), the defendant shall be detained unless the Court finds a substantial likelihood that a motion for acquittal or new trial will be granted; or an attorney for the government has recommended that no sentence of imprisonment be imposed; and the Court finds by clear and convincing evidence the person is not likely to flee or pose a danger to any other person or the community. 18 U.S.C. § 3143(a)(2)(A)(i), (ii) and (B).

Upon review of the record, even in a light most favorable to the defendant, the Court finds the defendant has not alleged or established that there is a substantial likelihood that motion for acquittal or new trial will be granted or that an attorney for the government has recommended that no sentence of imprisonment be imposed. Thus, the Court is obligated by the statute to detain the defendant because the prerequisites for release have not been met. *Id.*

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

**IT IS FURTHER ORDERED** that the defendant's motion for inquiry of counsel is **DENIED** because he has not stated sufficient grounds to remove his appointed counsel from this case.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: May 12, 2006

  
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Robert J. Conrad, Jr.  
United States District Judge  
